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Students, volunteers fill fraction of need for free legal aid

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Tags: Al McNeil attorneys Breean Beggs courts Gonzaga University School of Law Joseph Wolfley Kellee Spangenberg lawyers Legal aid Maryann Moreno Spokane Bar Association University Legal Assistance Volunteer Lawyers Advisory Board



Third-year Gonzaga Law School student Dale Steinbach, shown at the GU law building Friday, won a breach of contract case for a client of the school's University Legal Assistance program.

The sagging local economy has flooded local courts with people in financial trouble who can't pay for what could help them most: an attorney to guide them.

Only a few local programs exist to help people who need lawyers, a need that has far outstripped the programs' ability to find lawyers willing to work for little or no pay. As a result, court dockets are clogged with people trying – and failing – to wade through a complicated system of hearings and paperwork without legal help.

"It's a pretty grim picture out there if you need a lawyer and can't afford one," said Al McNeil, an associate professor with University Legal Assistance, which provides free or low-cost legal services to low-income Spokane County residents and just celebrated its 35-year anniversary at Gonzaga University School of Law.

"There are so many foreclosures. As the economy gets worse, debts go up. These people get deeper into debt, and bill collectors get more aggressive and determined as well."

One of McNeil's students, Joseph Wolfley, is representing a couple facing waves of problems. The wife is a 57-year-old registered nurse who worked for a woman who stole her identity in 2007, running up \$60,000 in fraudulent checks and credit card debt.

Not knowing what to do when the credit card company sued, the couple signed up and began paying \$600 a month to a debt consolidation company out of California. The

couple were also using federally protected disability payments to try to pay down a debt that wasn't theirs, McNeil said.

"It was just pathetic. The judge was powerless to help because she can't be their advocate," McNeil said. "This is just crazy. We have to have people down here helping these people."

Superior Court Judge Maryann Moreno said she's seen a boom in recent activity regarding credit card defaults.

"These are folks who are good people, who have always paid their bills. But they get ill or lose a job, and they just can't pay," Moreno said. "And, they come to court to try to resolve it."

Another logjam has occurred in Family Court, where more than 65 percent of people show up to court for divorces, child custody and other matters without an attorney, she said.

"There is a massive amount of paperwork associated with these cases. If they don't know how to do the paperwork, they often say, 'We'll just see the judge.' But we don't want to make decisions for people," Moreno said. "It's pretty chaotic around here. We do the best we can."

Judges often find themselves stopping the process to explain what forms need to be filed and how the process must be followed. That cuts into the court time for those people who do have attorneys.

"Most of the time, they try really hard but just don't get it right," Moreno said of people representing themselves. "They just don't understand the process. And I can't give them legal advice."

Moreno is a member of the Volunteer Lawyers Advisory Board. She said McNeil is working on a program to find attorneys willing to volunteer their time to help people facing consumer problems. Already, volunteer attorneys attend unlawful detainer hearings Monday through Thursday.

At those hearings, attorneys work with tenants and landlords to resolve any pending issues. Often they simply negotiate a few more days in a home or apartment from the landlord.

Local attorney Breean Beggs said those efforts help, but often attorneys can offer little advice if the case has graduated to eviction status.

"One of the problems in eviction law is that if you want to enforce your rights as a tenant you have to be up on your rent," he said. "A lot of times they think the landlord is not

upholding the property and they withhold the rent. But they don't get to vindicate them because they haven't paid their rent. If they had a lawyer earlier, they may be aware of that and handle it before it gets to eviction status."

Kellee Spangenberg coordinates the Spokane Bar Association Volunteer Lawyers Program. In that capacity, she helps recruit and train the volunteers and assigns them to clients who need them.

Last year, the program served 1,500 local residents who otherwise wouldn't have had the help of a lawyer. However, similar programs have ended or have been cut in Lincoln, Whitman, Stevens, Pend Oreille and Ferry counties, which has forced many of those residents to trek to Spokane for help.

Spangenberg said a statewide study showed that only 12 percent of low-income residents in Washington get help from an attorney for their legal problems.

Locally, the Northwest Justice Project offers some help, and the YWCA offers assistance getting protection orders in domestic violence cases.

One local attorney always volunteers on Christmas Eve and once helped a woman who otherwise would have been homeless on the holiday, she said.

Local attorneys "do give, do donate and they do go out of their way," Spangenberg said. "But it's difficult."

Penny Youde, executive director of the Spokane County Bar Association, said lawyers are not exempt from the hard times.

"There's an old saying, 'Only a fool has himself as a client,' " she said. "But right now attorneys can't even afford to hire attorneys. Just because you are an attorney, it doesn't mean you are making a ton of money."

Most of the funding for the volunteer lawyer programs comes from interest on attorneys' trust accounts. Whenever an attorney puts a client's retainer into a trust account, any interest on that money then goes to pay for the statewide volunteer lawyer program.

But since interest rates are low, and home sales – which traditionally have pumped money into those foundations – have remained stagnant, it's even more important for attorneys with fewer resources to provide them, Youde said.

"The need is great," she said.

Compounding the problem, many sources said, is that much of the need comes in consumer law, where people often plead for mercy from a judge while facing a well-paid attorney representing a collection agency. And in Spokane, only a handful of attorneys

provide defense work for those types of cases, which can last for years and often reap few rewards.

Some of McNeil's students specialize in consumer debt cases as part of their coursework. On Friday, law student Dale Steinbach won a summary judgment from Moreno for his client, who paid a man in 2008 to spray his farm for weeds and the job never was completed.

The client "knew no other attorney would have spent this much time and effort on a claim that wouldn't have brought in much money," Steinbach said. "In these hard economic times, if it wasn't for institutions like University Legal Assistance, all these consumers would be at the mercy of people they owe money to."

Steinbach, a 24-year-old third-year law student from Benton City, Wash., said he'd like to continue consumer work, but acknowledged that he'll have several thousands of dollars in debt to pay off when he graduates.

"It was satisfying to get a win before graduating law school. Unfortunately, I may not go into this type of service," he said. "Given this economy, I will do whatever I have to to pay off my loans. It's a vicious cycle."

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